

**IC 16-42-10**

Chapter 10. Food: Manufacture and Sale of Flour, White Bread, and Rolls

**IC 16-42-10-1****"Enriched" defined**

Sec. 1. As used in this chapter, "enriched" as applied to flour, means the addition to flour of the vitamins and other nutritional ingredients necessary to make the flour conform to the definition and standard of identity of enriched flour, enriched bromated flour, or enriched self-rising flour, as established or modified by order of the state department.

*As added by P.L.2-1993, SEC.25.*

**IC 16-42-10-2****"Flour" defined**

Sec. 2. (a) As used in this chapter, "flour" means the following foods as defined in the definitions and standards of identity adopted by the state department:

- (1) Flour, white flour, wheat flour, plain flour.
- (2) Bromated flour.
- (3) Self-rising flour, self-rising white flour, self-rising wheat flour.
- (4) Phosphated flour, phosphated white flour, and phosphated wheat flour.

(b) The term does not include special flours not used for bread, roll, bun, or biscuit baking, such as specialty cake, pancake, and pastry flours.

*As added by P.L.2-1993, SEC.25.*

**IC 16-42-10-3****"Person" defined**

Sec. 3. As used in this chapter, "person" means an individual, a corporation, a partnership, a limited liability company, an association, a joint stock company, a trust, or an unincorporated organization to the extent the person is engaged in the commercial manufacture or sale of flour, white bread, or rolls.

*As added by P.L.2-1993, SEC.25. Amended by P.L.8-1993, SEC.253.*

**IC 16-42-10-4****"Rolls" defined**

Sec. 4. (a) As used in this chapter, "rolls" includes the following:

- (1) Plain white rolls and buns of the semibread dough type, such as soft rolls, hamburger, hot dog, and Parker House.
- (2) Hard rolls, such as Vienna and Kaiser.
- (3) All rolls or buns made without fillings or icing.

(b) The term does not include yeast-raised sweet rolls or sweet buns, cinnamon rolls or buns, butterfly rolls, and other items of the same class.

*As added by P.L.2-1993, SEC.25.*

**IC 16-42-10-5****"White bread" defined**

Sec. 5. As used in this chapter, "white bread" means any bread, whether baked in a pan or on a hearth or screen, that is commonly known or usually represented and sold as white bread, including Vienna bread, French bread, and Italian bread.

*As added by P.L.2-1993, SEC.25.*

**IC 16-42-10-6****Enforcement; rules and orders**

Sec. 6. The state health commissioner shall enforce the provisions of this chapter and shall adopt, amend, or rescind rules and orders for the efficient enforcement of this chapter.

*As added by P.L.2-1993, SEC.25.*

**IC 16-42-10-7****Enriched flour; exceptions; certificate of intent**

Sec. 7. (a) This section does not apply to flour sold to bakers or other commercial secondary processors if, before or simultaneously with delivery, the purchaser furnishes to the seller a certificate of intent in the form the state health commissioner prescribes by rule certifying that the flour may be used only in the manufacture, mixing, or compounding of flour or white bread or rolls enriched to meet the requirements of this chapter or of products other than flour or white bread or rolls.

(b) A person may only manufacture, mix, compound, sell, or offer for sale in Indiana for human consumption in Indiana flour that is enriched.

(c) A purchaser described in subsection (a) who furnishes a certificate of intent may not use the flour so purchased in a manner other than as stated in the certificate.

*As added by P.L.2-1993, SEC.25.*

**IC 16-42-10-8****White bread or rolls; standards**

Sec. 8. (a) Except as provided in subsection (b), a person may not manufacture, bake, sell, or offer for sale in Indiana for human consumption white bread or rolls unless the white bread or rolls conform to the definition and standard of identity then in effect for enriched bread and enriched rolls or enriched buns, as established by order of the state department under the pure food statutes or rules of Indiana.

(b) If no order of a federal agency or officer fixing and establishing a definition and standard of identity for enriched bread and enriched rolls or enriched buns is in effect, a person may not manufacture, bake, sell, or offer for sale in Indiana for human consumption any white bread or rolls unless the white bread or rolls conform to the proposed definition and standard of identity for enriched bread and enriched rolls or enriched buns under the pure food statutes or rules of Indiana.

*As added by P.L.2-1993, SEC.25.*

#### **IC 16-42-10-9**

##### **Labeling requirements; interstate commerce**

Sec. 9. (a) This section does not apply to white bread or rolls that bear no labeling of any kind and that are sold directly to the consumer by the manufacturer.

(b) A person may not sell or offer for sale in Indiana for human consumption in Indiana any flour, wrapped white bread, or rolls meeting the requirements of sections 7 and 8 of this chapter that fail to conform to the labeling requirements of the state department and the rules adopted by the state department concerning those products when introduced in interstate commerce.

*As added by P.L.2-1993, SEC.25.*

#### **IC 16-42-10-10**

##### **Shortages of ingredients; exempting orders; hearings; rescinding orders**

Sec. 10. (a) If the state health commissioner finds that:

- (1) there is an existing or imminent shortage of any ingredient required by section 7 or 8 of this chapter; and
- (2) because of the existing or imminent shortage the sale and distribution of flour or white bread or rolls may be impeded by the enforcement of this chapter;

the state health commissioner shall issue an order, effective immediately upon issuance, permitting the omission of that ingredient from flour or white bread or rolls, and if the state health commissioner finds it necessary or appropriate, excepting those foods from the labeling requirements of this chapter until further order of the state health commissioner.

(b) Findings of the state health commissioner under subsection (a) may be made without a hearing on the basis of an order or of factual information supplied by the appropriate officer. In the absence of an order of the appropriate federal agency or factual information supplied by the federal agency, the state health commissioner:

- (1) may, upon the commissioner's own motion; or
- (2) shall, within twenty (20) days after receiving the sworn statements of at least ten (10) persons subject to this chapter that a shortage exists or is imminent;

hold a public hearing on that topic at which any interested person may present evidence. At the conclusion of the hearing, the state health commissioner shall make findings based upon the evidence presented.

(c) The state health commissioner shall publish notice of a hearing under subsection (b) at least ten (10) days before the hearing.

(d) Whenever the state health commissioner has reason to believe that a shortage no longer exists, the state health commissioner shall hold a public hearing, after giving at least ten (10) days notice at which any interested person may present evidence. At the conclusion of the hearing, the state health commissioner shall make findings

based upon the evidence presented at the hearing.

(e) If the state health commissioner finds that a shortage no longer exists, the state health commissioner shall issue an order revoking the previous order. An order revoking the previous order becomes effective not less than thirty (30) days after publication of the revocation order. However, undisposed flour stocks on hand at the effective date of the revocation order or flour manufactured before the effective date of the revocation order for sale in Indiana may subsequently be lawfully sold or disposed of.

*As added by P.L.2-1993, SEC.25.*

#### **IC 16-42-10-11**

##### **Publication of orders, rules, or notices**

Sec. 11. (a) All orders and rules adopted by the state health commissioner under this chapter shall be published in the manner prescribed in this chapter and, within the limits specified by this chapter, take effect on the date the state health commissioner determines.

(b) Whenever publication of any notice, order, or rule is required under this chapter, publication must be made at least one (1) time in at least one (1) daily newspaper of general circulation printed and published in Indiana.

*As added by P.L.2-1993, SEC.25.*

#### **IC 16-42-10-12**

##### **Examinations, investigations, and inspections**

Sec. 12. For the purposes of this chapter, the state health commissioner or the commissioner's authorized representatives may take samples for analysis and conduct examinations and investigations through any officers or employees under the state health commissioner's supervision. Those officers and employees may enter, at reasonable times:

(1) a factory, mill, warehouse, shop, or establishment where flour, white bread, or rolls are manufactured, processed, packed, sold, or held; or

(2) a vehicle being used for the transportation of those items; and may inspect those places and any flour, white bread, or rolls in those places and all pertinent equipment, materials, containers, and labeling.

*As added by P.L.2-1993, SEC.25.*

#### **IC 16-42-10-13**

##### **Violations**

Sec. 13. A person who recklessly violates this chapter commits a Class B misdemeanor.

*As added by P.L.2-1993, SEC.25.*